

U.S. DISTRICT COURT  
DISTRICT OF NEW JERSEY – TRENTON  
DOCKET NO. 3:12-cv-01893

-----  
LANG BOYER, et al., :  
 :  
 : TRANSCRIPT  
Plaintiffs, :  
-vs- :  
 : OF  
ROBERT STEIN, et al., :  
 : MOTION HEARING  
Defendants. :  
-----

Place: Clarkson S. Fisher Federal  
Building and U.S. Courthouse  
402 East State Street  
Trenton, New Jersey 08608

Date: Thursday, March 6, 2014

B E F O R E:

THE HONORABLE TONIANNE J. BONGIOVANNI, U.S.M.J.

TRANSCRIPT ORDERED BY:

TONIANNE J. BONGIOVANNI, ESQ.

A P P E A R A N C E S:

JASON ZWEIG, ESQ. (Hagens, Berman, Sobol & Shapiro, LLP)  
SETH GUSSMAN, ESQ.  
BRUCE GREENBERG, ESQ. (Lite, DePalma, Greenberg, LLC)  
Attorneys for the Plaintiff

ERICA SIBLEY, ESQ. (Sills, Cummis & Gross, PC)  
Attorney for Defendant William Collins

WILLIAM J. HUGHES, JR., ESQ. (Cooper, Levenson, April,  
Niedelman & Wagenheim, PA)  
Attorney for Defendant M.D. Sass Municipal  
Finance Partners-I, LLP

AudioEdge Transcription, LLC  
425 Eagle Rock Avenue – Suite 201  
Roseland, New Jersey 07068  
(973) 618-2310  
[www.audioedgetranscription.com](http://www.audioedgetranscription.com)

A P P E A R A N C E S (Continued):

ATTORNEYS APPEARING VIA TELEPHONE:

JOSEPH ALLERHAND, Esq. (Cooper, Levenson, April,  
Niedelman & Wagenheim, PA)  
Michael Gell, Esq. (Cooper, Levenson, April, Niedelman  
& Wagenheim, PA)  
Attorneys for Defendant M.D. Sass Municipal  
Finance Partners-I, LLP

STEVE REED, Esq.  
R. BRENDAN FEE, ESQ. (Morgan, Lewis & Bockius, LLP)  
Attorneys for Crusader Servicing Corp.

JASON RAOFIELD, ESQ. (Convington & Burling, LLP)  
PERRY S. WARREN, ESQ. (Maselli Warren, PC)  
Plymouth Park Tax Services, LLC

LAURIE KELLY, ESQ.  
Attorney for Defendant Vinaya J. Jessani

SHALOM DAVID STONE, ESQ. (Brown, Moskowitz & Kallen, PC)  
Attorney for Defendant Phoenix

I N D E X

03/06/14

	<u>Page</u>
<u>ON MS. DAVIES' ISSUES/PROCESS FOR NOTICES</u>	
By Mr. Zweig	15
 <u>ON MOTION FOR APPROVAL OF SETTLEMENT</u>	
By Mr. Zweig	18
 <u>COURT DECISION</u>	19

## Colloquy

4

1 (On record at 10:39:45 a.m.)

2 THE COURT: Counsel on the phone, you listening?

3 (Multiple affirmatives)

4 THE COURT: Right. Okay. Let me first apologize to  
5 you folks on the phone for the delay. I wanted to meet with  
6 the attorneys who were present just to go over the history of  
7 the case in sort of a generic way, as well as what today's  
8 proceeding was about. Obviously this is the first time that I  
9 am substantively dealing with any motions and Judge Shipp has  
10 obviously asked that I preside over this. So I appreciate  
11 your patience.

12 And then the Counsel, it just took us a while to get  
13 the roll call of those who were on the phone.

14 So let me start with going through for the record a  
15 roll call of who's here on behalf of the Plaintiffs.

16 MR. GREENBERG: Good morning, Your Honor, Bruce  
17 Greenberg, Lite, DePalma, Greenberg in Newark, liaison counsel  
18 for the Plaintiffs.

19 MR. STONE: Your Honor?

20 THE COURT: Yes, you can't hear him.

21 MR. STONE: Your Honor, this is Shalom Stone, we  
22 can't hear the Counsel.

23 THE COURT: Okay. You know what, I'm going to --  
24 Mr. Morelli, I'm going to put them hold and perhaps if you put  
25 your phone on speaker that might help to be a bit closer.

## Colloquy

5

1 So go ahead.

2 All right, we'll try it again.

3 MR. GREENBERG: Good morning, Your Honor, Bruce  
4 Greenberg, from Lite, DePalma, Greenberg in Newark, liaison  
5 Counsel for the Plaintiffs. Co-league Counsel for the  
6 Plaintiffs who are here. They will introduce themselves with  
7 Your Honor's permission.

8 THE COURT: All right.

9 MR. ZWEIG: Good morning, Your Honor, Jason Zweig  
10 from Hagens, Berman, Sobel, Shapiro, one of the co-league  
11 Counsel.

12 MR. GUSSMAN: Good morning, Your Honor, Seth Gussman  
13 from --, LLP. Another one of the co-league Counsel in this  
14 action.

15 THE COURT: Okay. Great. And I know, Ms. Davies,  
16 you can remain seated. I know you're here and I'm going to  
17 come back to you in a moment. Let me just go through all of  
18 the attorneys' appearance first.

19 And then for Defense Counsel seated in the  
20 courtroom.

21 MR. HUGHES: Good morning, Your Honor, William J.  
22 Hughes, Jr., Cooper Levenson of Atlantic City, New Jersey on  
23 behalf of M.D. Sass. Local Counsel appearing I think on the  
24 phone. Michael Bell and Joseph Allerhand who will introduce  
25 themselves.

## Colloquy

6

1 THE COURT: Okay. And -- go ahead.

2 MS. SIBLEY: Good morning, Your Honor. Erica Sibley  
3 for Sills, Cummis and Gross, PC representing Defendant William  
4 A. Collins.

5 THE COURT: And I should have acknowledge, Ms.  
6 Sibley, I you understand you have an excellent professor at  
7 Seton Hall and -- moi.

8 MS. SIBLEY: That I did.

9 THE COURT: So nice to you're succeeding and moving  
10 along and I didn't make you like run out of the classroom and  
11 quit the whole profession. So good for you.

12 Okay. Turning to the Defendant on the line, who do  
13 I have for Crusaders?

14 MR. REED: Good morning, Your Honor, this is Steve  
15 Reed, I'm here with my partner Brandon Fee from Morgan Lewis,  
16 appearing on behalf of the -- Defendants as they refer to as  
17 the Crusaders.

18 THE COURT: And Phoenix? Mr. Stone?

19 MR. STONE: Yes.

20 THE COURT: Okay.

21 MR. STONE: Shalom Stone here with -- representing  
22 the Defendants Phoenix Funding and --

23 THE COURT: And for SAS (sic)? Sass.

24 MR. ALLERHAND: It's Joseph Allerhand and Michael  
25 Bell from the Wagenheim Law firm, co-Counsel to the Sass

## Colloquy

7

1 Defendants along with them.

2 THE COURT: And Plymouth.

3 MR. RAOFIELD: Good morning, Your Honor, this is  
4 Jason Raofield, Covington and Burling for the Plymouth Park  
5 and I believe we also have on the line Perry Warren.

6 THE COURT: Right.

7 MR. WARREN: Good morning, Your Honor, Perry Warren  
8 from Maselli Warren,

9 THE COURT: Good morning, Mr. Warren. And then last  
10 but not least for Jessani?

11 MS. KELLY: Yes, this is Laurie Kelly from --

12 THE COURT: Right. Am I missing anyone? Perfect.

13 All right, let me just set out the purpose that  
14 we're here for, for a moment, and address Ms. Davies who's a  
15 Plaintiff in this matter.

16 Ms. Davies, can you hear me?

17 MS. DAVIES: Yes, Your Honor. However, I am a  
18 little hard of hearing.

19 THE COURT: If you don't -- if you can't understand  
20 anything I'm saying, let me know and I'll -- I'll try to speak  
21 up more loudly.

22 MS. DAVIES: Thanks, Your Honor.

23 THE COURT: First of all I want to mention to you  
24 that if we haven't spoken to you directly it's because you are  
25 officially represented in this case by Mr. Greenberg and

1 Counsel.

2 Judge Shipp had made a determination months ago that  
3 he appointed lead Counsel in this matter, actually a year and  
4 a half ago and on the docket it's entry number 108, is Judge  
5 Shipp's order appointing the firm to represent all Plaintiffs  
6 in this matter.

7 You have the absolute right to represent yourself if  
8 you want, but I can't deal with attorneys and then have their  
9 clients, which is what you are, writing to me and even more  
10 complicated is the fact that your son, who I gather is sitting  
11 behind you, also writing to me. And this is something that I  
12 handle the same way for everyone in every case. I've been  
13 doing this 11 years. I'm not treating you any differently.

14 And perhaps just to torture the explanation is if  
15 you don't want to have an attorney and you don't want Mr.  
16 Greenberg's firm to represent you, you can look to represent  
17 yourself in this case.

18 If you do represent yourself, I would tell you and I  
19 can give you more detail if that's the decision that you make,  
20 we do have tools and resources available for people who  
21 represent themselves and we have -- on our web site we have a  
22 pro se litigant's handbook. You have access to all the civil  
23 and local rules.

24 So there would be available to you again these tools  
25 that would help you perhaps navigate what's going on in the



## Colloquy

9

1 system.

2 The other that I need to emphasize is I can't deal  
3 with an attorney, a client and then the son of a client. So  
4 if you were to represent yourself and that's what I decided  
5 was appropriate or you decided you wanted to do, I couldn't  
6 have your son speak on your behalf, unless frankly he wanted  
7 to go -- you wanted to give him power of attorney to be your  
8 spokesperson.

9 I can't be in a position where your son is saying  
10 something to me, I agree with him, and then perhaps a month or  
11 so later you pop up and say well, that's not in my best  
12 interest and, Judge, you shouldn't have listened to him,  
13 because he's not a Plaintiff to this case and he doesn't have  
14 the right to affect my interest.

15 I don't want to make it more complicated, but  
16 essentially this is your case, you're the named Plaintiff. I  
17 either speak to your attorney or I speak to you.

18 And the other thing that I will mention is today's  
19 purpose is just to determine whether or not, under the rules  
20 that I have to apply, I believe that the settlement should be  
21 preliminarily approved.

22 And what that means is, if I believe that the  
23 components of the rules have been met and I decide that it's  
24 appropriate to send out -- to preliminarily approve this, then  
25 the lawyers will have to send out notice to everyone who's

Colloquy

10

1 potentially a member of this class.

2 You would have the ability to object to the ultimate  
3 settlement or you could decide to, what we call opt out. You  
4 could say I don't want to be a part of this deal, I want to go  
5 forward on my own and you could then pursue this case against  
6 everyone, not getting any benefit from the settlement and  
7 trying to, pardon the common place term, try to fight it out  
8 with each of the Defendants on your own.

9 So let me make it clear that no one is forcing you  
10 to be a part of this settlement. You can object to the  
11 settlement as a whole if you want or you can say I don't like  
12 what's going on, I'm not giving up my rights, I'm going to opt  
13 out and I'm going to take the case to go forward on my own.

14 I know I've thrown a lot at you, but do you  
15 understand, Ms. Davies?

16 MS. DAVIES: I'm sorry, I didn't hear the last part.

17 THE COURT: I said -- I just said I know I've thrown  
18 a lot of information at you, but I wanted to make sure you  
19 understand. Do you have any questions, general questions for  
20 me about the process or rights or options?

21 MS. DAVIES: Well, as you stated, there is a lot of  
22 information that you've just given me and it was not my intent  
23 at any point to opt out, which is -- I might mention that  
24 almost from the beginning my group of attorneys had asked me  
25 if I wanted. I mis-stated, Mr. Burrow, Nicholas Burrow, was

1 the gentleman that we dealt with at the very beginning.

2 And almost from the beginning I was asked if I  
3 wanted to opt out and which I didn't really quite understand.  
4 If you're in a group, why are you repetitively asked if you  
5 want to opt out?

6 THE COURT: Well, I can't speak specifically for  
7 what was in his mind and let me just digress for a minute. My  
8 chambers, my office, my staff are very accessible to people  
9 who represent themselves. We're supposed to be open. This is  
10 your court, this is your tax dollars, so we try to help you  
11 navigate the system, but I can't get caught in a situation  
12 where what I'm saying to you sounds like legal advice.

13 But having said that if an attorney is hearing that  
14 you're dissatisfied and you have concerns about the  
15 settlement, you have objections to people who are involved in  
16 the settlement, I -- I view it as him just probably saying to  
17 you, if you don't like the settlement -- and not in a nasty  
18 way, but you have rights. You can agree to go along with  
19 this.

20 We, as attorneys, think this is in the best  
21 interests of the class of participants. They have to bring it  
22 to the Court for us to make sure that there isn't any --  
23 anything nefarious going on and that the rules are followed.

24 But if you have specific objections and you have  
25 concerns about the appropriateness or the fairness or some

1 conflict of interest that is spilling over and you think  
2 affecting what should be happening here, then the attorney  
3 probably rightly said to you, you do have the option of  
4 agreeing or of saying that you don't want to be a part of  
5 this.

6 And that's fine, as long as you understand then the  
7 result would be that you be left on your own or perhaps with  
8 other people who decide to opt out. And that's absolutely  
9 your right to pursue this case on your own.

10 So I don't know if that helps.

11 MS. DAVIES: Yes, it does. I want to emphasize that  
12 I'm not really personally involved here. I mean there are so  
13 many people who -- who are suffering greatly from the things  
14 that have been perpetrated on home owners by these racketeers.

15 And I -- I don't want to have conflict with my  
16 attorneys in my class action, however I -- I do think that  
17 there's been a lack of communication and consultation. They  
18 can say they've spoken with -- with me on numerous occasions,  
19 which I absolutely would --. It seems to me that nothing gets  
20 done. I mean, we're -- we're really in the same --

21 THE COURT: Well, let me jump in. Something is  
22 getting done, which is why we're here today.

23 And let me also mention that often the Court,  
24 whether it's me, Judge Shipp, any other Judge in the Court  
25 only see motions like this. Often the Court decides it is not

## Colloquy

13

1 necessary to bring people here to have this hearing. We're  
2 sensitive to everyone's time, the money involved, the wear and  
3 tear on -- on everyone.

4 MS. DAVIES: I see.

5 THE COURT: I have this hearing in part because of  
6 the concerns that I have been receiving from you and  
7 understanding that you have had some issues. I don't expect  
8 that we're going to resolve your issues or concerns  
9 immediately, but I wanted to explain to you the process, let  
10 you know what your options are and then you can decide, after  
11 today, how you want to handle your case.

12 One other thing I'll say as an aside. While I  
13 appreciate that you have concerns about other people who are  
14 victims here and whether they're rights are being represented.  
15 That's part of what's going to be addressed when the notice is  
16 sent out and you will have the ability to see who the notice  
17 is sent to, whether or not it's sends a wide enough net to  
18 capture the people who are most likely to be affected or have  
19 been affected or who are, as you're calling them, victims.

20 It's not a perfect system and that's one of the  
21 things that when you revisit this, if the matter is  
22 preliminarily -- preliminarily approved by me, which frankly,  
23 based on what I've seen, I don't have any doubt that in a  
24 moment I'm going to sign off on the -- the proposed  
25 settlement. I wouldn't be doing my job if I hadn't read

## Colloquy

14

1 through all of the papers, unfortunately didn't -- and I have  
2 questions, I'll certainly ask Counsel.

3 But after today, notice will be sent out and if you  
4 have a concern about whether or not it's encompassing all of  
5 the people who it should, that something you can certainly --.

6 But I think for the best course today, frankly, Ms.  
7 Davies, is to let you digest what I've said to you. I know,  
8 again, you have folks with you who hopefully will also have  
9 heard what I said and appreciate what I said. I don't want to  
10 make this more complicated than it needs to be, but if you  
11 have any questions you can ask to order a copy of this  
12 transcript. This is being recorded.

13 And also in a -- in a simple way, if you have a  
14 question, I know the attorneys from -- Mr. Greenberg and his  
15 Counsel, they're available. If you aren't satisfied with what  
16 they're saying, that's one thing, but I think that if you have  
17 a question of what's the next step or the like, they will  
18 certainly let you know.

19 I would just ask that you exercise some patience,  
20 because everyone is busy and you might not get a prompt  
21 turnaround in response to any questions that you have.

22 But it's a long winded way of saying I've given you  
23 sort of an overview of how this is going to progress. Told  
24 you what your options are, if you want to represent yourself,  
25 you can represent yourself or seek to represent yourself in

1 this and be part of this class action or you can decide that  
2 you want to be on your own.

3 But after today, there will be an opportunity for  
4 you to write in and explain what, if any, objections you still  
5 have or concerns that you have regarding the settlement itself  
6 or the people that it has -- who have received notice of it.

7 We're the gatekeeper, the Court's the gatekeeper.  
8 We're -- we're supposed to make sure that all of the rules and  
9 the case law that has been going on for decades are followed.  
10 Okay?

11 So I'm going to switch gears now and turn to the  
12 Plaintiff, and if you would, outline what's in that  
13 settlement. If anyone has anything they want to say on this  
14 issue, proceed. No? Did I -- I don't -- if I mis-stated  
15 anything regarding -- and the like.

16 MR. ZWEIG: Your Honor, would you prefer I stand on  
17 the podium or is the counsel table okay?

18 THE COURT: Can you folks on the phone hear him?  
19 Did you all fall asleep?

20 UNIDENTIFIED SPEAKER: No, we're here, Your Honor.  
21 It was difficult to hear Ms. Davies, but hopefully we'll be  
22 able to hear Counsel.

23 THE COURT: Okay. Come on up --

24 MR. ZWEIG: Your Honor, Jason Zweig, from Hagens  
25 Berman. What you said to Ms. Davies, of course, it was

1 appropriate you're telling her. For -- just for the record,  
2 for a couple months, obviously I'm sure Your Honor said it  
3 better than perhaps we did, but we have had a number of  
4 conversations in which we tried to explain to -- to her, and  
5 her son, the process.

6 And as Your Honor knows the process is that we seek  
7 preliminary approval, we will then be sending out a notice to  
8 as many people as we possibly can, which will advise them of  
9 the case, their right to either object or opt out. A right  
10 that Ms. Davies, of course, as well as every class member has,  
11 and that point she -- they can decide what they'd like to do.

12 Obviously we prefer to have her as a member of our  
13 class. We've been working very hard, despite there  
14 dissatisfaction with what we've done and will continue to do  
15 so and we certainly hope they stay in the class and -- and go  
16 forward with us. But whatever they decide to do, they decide  
17 to do.

18 In terms of the notice, just so the Court is aware,  
19 Judge Shipp previously approved six settlements last year  
20 totaling just under a million dollars. These settlements  
21 total \$6,775,000.

22 Our plan, in terms of notice is to send one single  
23 notice out that explains all of these settlements. And in  
24 terms of that process --

25 THE COURT: I'm sorry, when you said all of them,



## Colloquy

17

1 meaning the ones that Judge Shipp has already approved?

2 MR. ZWEIG: That's correct.

3 THE COURT: Got it. Okay.

4 MR. ZWEIG: As part of Judge Shipp's order he  
5 deferred notice on those because we had some other  
6 settlements, these were deeds that were coming down the pike  
7 and so in terms of efficiency and cost savings, we thought it  
8 would make sense to do all them in a single notice, which the  
9 Court is aware it's somewhat of an expense process.

10 THE COURT: Are you waiting also to conclude the --  
11 the -- or to have a preliminary approval on the, like for  
12 example, the ATF was just filed, I believe, by Mr. Greenberg,  
13 so they're not part of today's proceedings. So are you going  
14 to wait for -- for others --

15 MR. ZWEIG: For others?

16 THE COURT: -- before you send out the notice?

17 MR. ZWEIG: Well, the answer is, Your Honor, it  
18 depends. Just so Your Honor is aware, so, in New Jersey there  
19 are 566 municipalities. There's an auction each year in each  
20 municipality. The case -- the class period in this case  
21 starts from -- in 1998 and extends to February of 2009. The  
22 Defendants in this case, many of which are small businesses  
23 and even individuals, don't have sophisticated databases where  
24 they keep track of the names and addresses of all the class  
25 members.

1           We've actually hired an admin -- a company called  
2           Name Source that has gone out to all 566 municipalities to try  
3           to get all the name and address information for the entire  
4           class period. They've been doing that for the last months or  
5           so.

6           I'm optimistic in another couple of months they  
7           should have that database created, at which point we'll be  
8           able to go forward with the notice program. And so assuming  
9           that two months holds, I think it's likely we would probably  
10          try to squeak in these other settlements in -- into the notice  
11          program, but it will just -- I think it -- I just can't answer  
12          one way or the other, it will depend on the timing of this  
13          database.

14          THE COURT: Okay. Good.

15          MR. ZWEIG: Certainly it would include the first six  
16          settlements and -- and if Your Honor was inclined to  
17          preliminarily approve the settlement, subject to the current  
18          motion. Certainly those too.

19          THE COURT: Okay. All right. Turning to the  
20          current motion, anything you want to outline on the record,  
21          other than what's in your submission?

22          MR. ZWEIG: You know, Your Honor, we put forward  
23          papers that I think extensively set out the benefits achieved  
24          by this settlement, which we think, in light of the  
25          complexities of this case, show that this is a settlement that

1 should be preliminarily approved.

2 I don't think there's that much, if anything, I can  
3 add other than what's in our papers. We think the papers  
4 speak for themselves and set forth a basis on which the Court  
5 can preliminarily approve.

6 THE COURT: Anyone else? Let me just turn to folks  
7 in the court. Any -- Mr. Hughes, --

8 MR. HUGHES: No, Your Honor.

9 THE COURT: -- Ms. Sibley, anything to add or --

10 UNIDENTIFIED SPEAKER: No, Your Honor, thank you.

11 THE COURT: How about you folks on the record,  
12 anything you want to ask, highlight, state? Wow, silence.  
13 How is that happening? Two, four, six, eight attorneys with  
14 nothing to say. I think it's a first.

15 Okay.

16 UNIDENTIFIED SPEAKER: Everyone's being polite --  
17 polite to deferring to each other, but this is -- I have  
18 nothing to add.

19 THE COURT: Okay. All right, guys. You can be  
20 seated then. Thanks to you, Mr. Zweig.

21 I have reviewed the proposed settlement agreement  
22 and following what I need to, pursuant to Federal Civil Rule  
23 23A(1), etcetera, I do find that the settlement agreement is  
24 worthy of at least being preliminarily approved, subject to  
25 any objections certainly that the Court can -- will consider

1 after the appropriate notice is sent out.

2 Clearly you folks have been involved in good faith  
3 negotiations. You're making efforts to gather material so  
4 that the class is properly identified. You're experienced  
5 attorneys, you've all been before this Court on a number of  
6 occasions.

7 I've reviewed the settlement agreement in its  
8 entirety and supporting documents. I don't find anything  
9 that's obviously deficient not do I find anything that  
10 suggests that any Plaintiff would be unfavorably handled,  
11 whether it's a named Plaintiff or a member of the proposed  
12 class.

13 So finding that, I'm going to preliminarily approve  
14 the settlement. I'll sign the order recommending, actually,  
15 to Judge Shipp. I should step back. I'm so used to dealing  
16 with these when the matter's been consented to me.

17 I'm going to recommend to Judge Shipp that this  
18 matter be preliminarily approved and will obviously have a  
19 fairness hearing at a later date. Normally, my experience is,  
20 that we're able to set the date today, but it seems like I  
21 need to defer that, because you need to figure out when notice  
22 is going to go out and that everyone has an appropriate amount  
23 of time to file an objection.

24 So I gather, Mr. Zweig, I should just wait. When do  
25 you anticipate that you'll have a game plan for sending out

Colloquy

21

1 the -- the generic notice for all of the settlements so far?

2 MR. ZWEIG: Procedurally, Your Honor, I think what  
3 would happen is, and this is assuming the database vendor is  
4 done in the next couple of months, we would actually make  
5 another application to the Court for authorization to  
6 disseminate the notice. So, I'm -- I'm optimistic that it  
7 would be in a couple of months that we would do that. And  
8 then will -- assuming the Court grants that motion, that would  
9 set up the dates for the fairness hearing, objection  
10 deadlines, yeah, deadlines and that sort of thing.

11 THE COURT: Right. I just wanted to get a time  
12 frame of when you thought you'd be able to tell me that --  
13 that notice would be able to go out. So we're -- we're un --

14 MR. ZWEIG: I'm optimistic that would be a couple of  
15 months, I thought I was clear.

16 THE COURT: No, no, no. I got that. I just --  
17 initially when you had mentioned it, I wasn't sure how long  
18 this database retrieval was going to take. But -- so --

19 MR. ZWEIG: They've been at work on it four or five  
20 months. I mean it's a fairly Herculean task to go out to 566  
21 towns for an 11 year period and gather all that information  
22 and put it into a database.

23 THE COURT: Okay. Why don't I include -- well,  
24 actually I can just put this as a text entry or Mr. Morelli  
25 can, that you'll let us know by May 6 what the status is? I

Colloquy

22

1 don't need anything long winded, but if you -- you could just  
2 give me a progress report that they're wrapping up, it's  
3 coming or it looks like at that point you have a better  
4 estimate that it's going to take a little bit longer.

5 Just so this isn't lingering out there. I don't  
6 think anyone here is going to forget about this case, but I  
7 don't want to lose sight of you.

8 MR. ZWEIG: --

9 THE COURT: So informal update is fine, you know, or  
10 even just shooting us an e-mail. Right.

11 All right. Did I miss anything? No? Okay.

12 Anyone on the phone have anything they'd like to  
13 say?

14 UNIDENTIFIED SPEAKER: Your Honor, I wasn't sure  
15 what was that date of that -- of that report you want was May  
16 5?

17 THE COURT: May 6. Two months.

18 UNIDENTIFIED SPEAKER: May 6.

19 THE COURT: Yeah. Okay. All right, folks, I think  
20 that concludes what I need to do.

21 Mr. Greenberg, I had asked if you have a chance just  
22 send in, in Word format, so I can make any changes to the  
23 propose order when you have a chance. Obviously, there's no  
24 real rush, because I'm not going to be holding up the notice  
25 period. But when you can that would be great.

Colloquy

23

1 MR. GREENBERG: I'll certainly do that, Your Honor.

2 THE COURT: Okay. And, Ms. Davies, as I said, if  
3 you have any questions that Mr. Greenberg can't answer to your  
4 satisfaction, I'll just remind you that have options that you  
5 can look for another attorney, you can represent yourself or  
6 you can decide that you don't want to be a part of this. But  
7 the game plan is in a few months we should have some sense of  
8 what the next step will be and when the notice will go out.  
9 Okay? Thanks for coming in.

10 All right, everyone, be well, survive this winter.

11 (Multiple thank yous)

12 THE COURT: All right, thanks.

13 (Off record at 11:08:22 a.m.)

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATION

I, JENNIFER WILSON, the assigned transcriber, do hereby certify the foregoing transcript of proceedings before the U.S. District Court, District of New Jersey - Trenton, on March 6, 2014, on CD, index number from 10:39:45 to 11:08:22, is prepared in full compliance with the current transcription format for Judicial Proceedings and is a true and accurate non-compressed transcript of the proceedings as recorded to the best of my knowledge and ability.

A handwritten signature in cursive script, reading "Jennifer Wilson", written over a horizontal line.

July 25, 2014

JENNIFER WILSON AD/T #623

Date

AudioEdge Transcription, LLC